

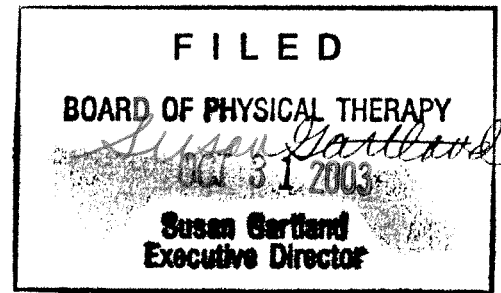


State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

JAMES E. MCGREEVEY
Governor

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ



PETER C. HARVEY
Attorney General
RENI ERDOS
Director

October 13, 2003

By Certified and Regular Mail

Mailing Address:

P.O. Box 45014
Newark, NJ 07101
(973) 504-6455

Nicholas Federici, P.T.
1081 Littleton Road
Parsippany, New Jersey 07054

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Mr. Federici:

This letter is to advise you that the New Jersey State Board of Physical Therapy Examiners (the "Board") has had an opportunity to review information concerning the physical therapy services provided to G.P. Specifically, the information reviewed included the patient's complaint, a copy of the patient record in this matter and your testimony from the Investigative Inquiry held on July 8, 2003.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:1-21(h) and N.J.A.C. 13:39A-3.1(c) 2, 10, 11, 12 and 13 in that you; failed to complete the patient's progress notes, you did not include your signature and license number in the patient record; you changed the prescription but did not indicate a reason for the modification in the patient record and you failed to communicate the modification to the physician.

At the inquiry you admitted that the evaluation of G.P. as set forth in the patient record was incomplete. This patient had a history of abdominal surgery but this information was not reflected in the patient record. A discharge summary was also not prepared. Upon further questioning you testified that you did not provide the patient with ultrasound as indicated on the referral from the physician and you modified the physician's instruction without conferring with him.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. cease and desist from continuing to maintain incomplete patient records.
2. the issuance of a formal reprimand for violation of N.J.A.C. 13:39A-3.1(c) 2,10, 11,12 and 13.
3. pay a penalty in the amount of \$1500 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter)
4. pay costs incurred by the Board in the amount of \$297.00

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By: Susan Gartland
Susan Gartland
Executive Director

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ACKNOWLEDGMENT: I, Nicholas Federici, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty and costs in the amount of \$1797.00 (to be paid upon signing of this acknowledgment).

Nicholas Federici, P.T.

Nicholas Federici, P.T.

Dated:

cc: Carmen A. Rodriguez, DAG